



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/550,874	09/27/2005	Henrik Przybilla	AT03 0014US1	1786
65913	7590	02/18/2010	EXAMINER	
NXP, B.V.			PATIL, NIRAV B	
NXP INTELLECTUAL PROPERTY & LICENSING			ART UNIT	PAPER NUMBER
M/S41-SJ			2435	
1109 MCKAY DRIVE			NOTIFICATION DATE	
SAN JOSE, CA 95131			02/18/2010	
			DELIVERY MODE	
			ELECTRONIC	

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

ip.department.us@nxp.com

Advisory Action Before the Filing of an Appeal Brief	Application No. 10/550,874	Applicant(s) PRZYBILLA, HENRIK
	Examiner NIRAV PATEL	Art Unit 2435

– The MAILING DATE of this communication appears on the cover sheet with the correspondence address –

THE REPLY FILED 25 January 2010 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:

a) The period for reply expires _____ months from the mailing date of the final rejection.

b) The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.

Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

NOTICE OF APPEAL

2. The Notice of Appeal was filed on _____. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

AMENDMENTS

3. The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because

(a) They raise new issues that would require further consideration and/or search (see NOTE below);

(b) They raise the issue of new matter (see NOTE below);

(c) They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or

(d) They present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: _____. (See 37 CFR 1.116 and 41.33(a)).

4. The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).

5. Applicant's reply has overcome the following rejection(s): _____.

6. Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).

7. For purposes of appeal, the proposed amendment(s): a) will not be entered, or b) will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.
The status of the claim(s) is (or will be) as follows:
Claim(s) allowed: None.
Claim(s) objected to: None.
Claim(s) rejected: 1-17.
Claim(s) withdrawn from consideration: None.

AFFIDAVIT OR OTHER EVIDENCE

8. The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).

9. The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fail to provide a showing a good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).

10. The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

REQUEST FOR RECONSIDERATION/OTHER

11. The request for reconsideration has been considered but does NOT place the application in condition for allowance because:
See continuation Sheet.

12. Note the attached Information Disclosure Statement(s). (PTO/SB/08) Paper No(s). _____

13. Other: _____.

/Kimyen Vu/
Supervisory Patent Examiner, Art Unit 2435

The proposed amendments are presented on Jan 25, 2010 for claims 1, 7, 8, 10, 16. Claims 1, 10, 19 are amended to include the claim limitation from dependent claims 18, 19, 20 respectively and Claims 18-20 are cancelled by applicant.

Continuation of 11 does NOT place the application in condition for allowance because: Applicant's arguments filed Jan 25, 2010 have been fully considered but they are not persuasive.

Regarding to applicant's argument to claim limitation "allowing a modification by the modification device of access rights to at least one interface of the data carrier", Examiner maintains since Richards teaches performing the various verification process as shown in Figs. 9, 10, prior to load AU to the IC card. The IC card receives the ALU via the interface device as shown in Fig. 2. If the CA public key verifies the ALC properly, then the IC card has verified that the CA has signed the ALC with its secret key. Further, the identity of IC card is verified against the identification information sent in the ALC. The application provider public key which was recovered from the verified ALC is used to verify the AU signature. The IC card then verifies the AU signature. If the two data blocks match, then the ALU is verified as being generated by the application provider. This unique key interaction between the application provider, CA and the intended IC card ensures that no counterfeit or unapproved applications or data are loaded on an IC card. Further, a KTU authentication process verifies that only the intended card has received the application and makes sure that if a third party does somehow intercept the ALU, the third party cannot read the enciphered portions of the AU and cannot retrieve the keys to decrypt the AU as shown in Fig. 10. The KTU plaintext was previously encrypted using the intended card's public key and therefore, only the holder of the intended card's secret key could decrypt the encrypted message. If the IC card cannot decrypt the KTU then the KTU is not meant for that card and the application loading process halts. The IC card deciphers the KTU and retrieves the key from KTU and decrypts the identified portion. This allows the IC card to have the decrypted portion of the AU which it will store in the memory. In this case, Richards teaches modifying the access rights to the IC card (whether it can load the AU or not), which includes the interface, based on the above verification/checking process. Therefore, it meets the claim limitation. Further, applicant argued in the remark that "Richards does not describe any way to modify the type of interface (e.g. contact terminals, contactless connections, etc.) that might be accessed by a particular user or for a particular application", is not expressively presented in claim limitation. The Applicant is reminded that presented arguments in the remark is not considered unless stated expressively in the claim language. If the applicant believes that the pending claims are distinct from the cited prior art, additional modification to clarify the claimed language/limitation is necessary for further consideration and distinction from the prior art.